

1764

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

APR 22 2005
U.S. PATENT & TRADEMARK OFFICE
TRANSMITTAL FORM

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	4	Attorney Docket Number	00041-DV4
--	---	------------------------	-----------

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/ Reply (Election) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
Remarks <p>Should any fees be required, the Director is authorized to deduct said fees from Deposit Account No. 03-1620.</p>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	ChevronTexaco Corporation		
Signature			
Printed Name	Frank C. Turner		
Date	April 20, 2005	Reg. No.	39,863

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO (Fax No. 703-872-9306) or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name	Frank C. Turner	Date	April 20, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on April 20, 2005.

Frank C. Turner, Reg. No. 39,863

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Stevens, et al.

Serial No.: 10/006,876

Filed: December 5, 2001

For: METHOD FOR REDUCING THE
CARBON MONOXIDE CONTENT
OF A HYDROGEN RICH GAS

Confirmation No. 5220

Group Art Unit: 1764

Examiner: Ridley, Basia Anna

Attorney Docket No.: 00041-DV4

ELECTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Election is responsive to the restriction requirement mailed March 24, 2005, for which a shortened statutory period for response of thirty (30) days was set, making this election due by April 24, 2005. This Election is believed to be timely filed and that no fees are due. In the event the Office determines that fees are due in association with the filing of this Election, the Office is hereby authorized to deduct said fees from Deposit Account No. 03-1620.

The restriction mailed March 24, 2005 (the "Office Action"), alleged that the captioned application contains the following inventions, referred to herein as Inventions I-II.

- I. Claims 1-8, drawn to a method classified in class 48, subclass 198.7; and
- II. Claims 9-21, drawn to an apparatus classified in class 422, subclass 211.

Election With Traverse

Applicants hereby elect claims 9-21, identified by the Office as Invention II, for examination in the captioned application. Applicants' election is made with traverse for the reasons that follow.

Inventions I and II

It is alleged by the Office that Inventions I and II are related as process and apparatus for its practice, but are distinct because the apparatus as claimed can be used to practice another and materially different process. Specifically, the Office Action states that,

"the apparatus as claimed can be used to practice another and materially different process, such as for production of synthesis gas."

Applicants maintain, however, that the apparatus and methods of the present invention are so closely related that the claimed methods will include those methods that may be practiced by the claimed apparatus. A brief review of the elements of the claimed apparatus, as exemplified by claim 9, and the claimed method, as exemplified by claim 1, is illustrative. Specifically, the apparatus of claim 9 comprises (1) a catalyst bed containing an oxidation catalyst, (2) a porous tube positioned substantially within the catalyst bed for distributing an oxygen-containing stream throughout the catalyst bed, and (3) a cooling jacket for maintaining the reactor operating temperature in a desired range. Similarly, the method of claim 1 comprises (1) providing a reactor having a catalyst bed containing an oxidation

catalyst, (2) distributing an oxygen-containing stream throughout the catalyst bed and (3) maintaining the reactor operating temperature in a desired range. To the extent that the apparatus as claimed could be used to produce synthesis gas, such a process would not constitute a materially different process from the methods recited in claim 1.

Inventions I and II are not distinct for the reasons cited by the Office. Reconsideration of the restriction requirement with regard to Inventions I and II is respectfully requested.

* * * * *

Applicants respectfully request reconsideration of the restriction requirement with respect to the Inventions I and II based on the traversal contained herein. This is believed to be a full and complete response to the outstanding Restriction mailed March 24, 2005. The present application is believed to be in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of the captioned application is respectfully requested.

Respectfully submitted,



Frank C. Turner
Attorney for Applicants
Reg. No. 39,863

April 20, 2005
Chevron Services Company
1500 Louisiana, Ste 36078B
Houston, Texas 77002
(832) 854 6387 (voice)
(832) 854 6495 (fax)